

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **VICE CHAIRMAN DAN MCGEE**, on March 27, 2007 at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Dan McGee, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzonried (D)

##### **Members Excused:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Lynda Moss (D)  
Sen. Carol Williams (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 452, 3/21/2007; HB 514,  
3/21/2007; HB 559, 3/21/2007;  
HB 657, 3/21/2007  
Executive Action: HB 657; HB 514; HB 452; HB 695;  
HB 35; HB 467; HB 617; HB 629

**HEARING ON HB 452**

**Opening Statement by Sponsor:**

00:01:26 REP. DEBORAH KOTTEL (D), HD 20, opened the hearing on  
HB 452, Achievement credit for parolees.

[EXHIBIT\(jus65a01\)](#)

**Proponents:**

00:09:34 Steven Cape, Great Falls

00:16:29 Chris Christiaens, University of Great Falls

[EXHIBIT\(jus65a02\)](#)

[EXHIBIT\(jus65a03\)](#)

[EXHIBIT\(jus65a04\)](#)

[EXHIBIT\(jus65a05\)](#)

00:19:41 James Gustafson, Great Falls Mental Health Center

00:22:16 Jill Isakson, Great Falls Job Service Work Force  
Center; Board Member for Opening Doors, a Nonprofit  
Organization

00:24:51 Moe Wosepka, Executive Director, Montana Catholic  
Conference

00:27:30 Pam Bunke, Department of Corrections (DOC)

00:28:12 Doug Lowney, Helena

00:29:50 Craig Thomas, Executive Director, Board of Pardons  
and Parole

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:33:14 Sen. McGee to Rep. Kottel

00:35:13 Sen. McGee to James Gustafson

00:39:25 Sen. Juneau to Rep. Kottel

00:40:06 Sen. Jent to Craig Thomas  
00:43:35 Sen. Juneau to Craig Thomas  
00:44:42 Sen. Juneau to Pam Bunke  
00:45:49 Sen. Jent to Pam Bunke  
00:47:14 Sen. McGee to Rep. Kottel  
00:47:44 Sen. Laslovich to Craig Thomas

**Closing by Sponsor:**

00:51:09 Rep. Kottel

**HEARING ON HB 514**

**Opening Statement by Sponsor:**

00:57:22 **REP. MARY CAFERRO (D)**, HD 80, opened the hearing on **HB 514**, Prohibit sexual contact of facilities staff & residents.

**EXHIBIT(jus65a06)**

**Proponents:**

00:59:12 Beth Brenneman, Montana Advocacy Program  
01:05:42 Jennifer Hill-Hart, Montana Coalition Against Domestic and Sexual Violence  
01:06:09 John Connor, Department of Justice

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:06:43 Sen. Laslovich to John Connor  
01:10:12 Sen. Laslovich to Beth Brenneman

**Closing by Sponsor:**

01:13:02 Rep. Caferro

**HEARING ON HB 559**

**Opening Statement by Sponsor:**

01:13:22 REP. RALPH HEINERT (R), HD 1, opened the hearing on HB 559, Increase retirement income exclusion on state income tax.

**EXHIBIT(jus65a07)**

**Proponents:**

01:16:25 Jerry Driscoll

01:20:17 Aimee Grmoljez, Association of Montana Retired Public Employees

01:21:54 Gladys Hardin, Montana Federation of the National Association of Active and Retired Federal Employees

**Opponents:** None.

**Informational Testimony:**

01:24:14 Brian Olsen, Tax Specialist, Department of Revenue

**Questions from Committee Members and Responses:**

01:24:56 Sen. Laslovich

01:25:11 Sen. Williams to Gladys Hardin

**Closing by Sponsor:**

01:26:27 Rep. Heinert

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**HEARING ON HB 657**

**Opening Statement by Sponsor:**

01:28:34 REP. BOB EBINGER (D), HD 62, opened the hearing on HB 657, Allow owner to post bond within 30 days of action to foreclose construction lien.

**Proponents:**

01:30:34 Nancy MacCracken, Senior Law Clerk, 6th Judicial  
District, Sweetgrass County

**EXHIBIT(jus65a08)**

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:34:38 Sen. McGee to Nancy MacCracken

01:37:48 Sen. Laslovich to Nancy MacCracken

01:41:33 Sen. McGee to Rep. Ebinger

01:43:42 Sen. McGee to Nancy MacCracken

**Closing by Sponsor:**

01:44:33 Rep. Ebinger

**EXHIBIT(jus65a09)**

01:46:08 Break

02:04:28 Resume

**EXECUTIVE ACTION ON HB 657**

02:07:39 Sen. Laslovich

02:07:55 **Motion:** SEN. Moss moved that HB 657 BE CONCURRED IN.

**Discussion:**

02:08:22 Sen. Laslovich

02:09:21 Sen. O'Neil

02:10:48 Sen. Laslovich

02:11:57 Vote: Motion that HB 657 BE CONCURRED IN carried 11-1 by voice vote with SEN. MCGEE voting no. SEN. WANZENRIED voted aye by proxy. SEN. PERRY will carry HB 657.

EXECUTIVE ACTION ON HB 514

02:13:04 Motion: SEN. MOSS moved that HB 514 BE CONCURRED IN.

Discussion:

02:13:24 Motion: SEN. LASLOVICH moved that HB051401.AVL BE ADOPTED.

Discussion:

02:14:41 Valencia Lane, LSD

02:14:50 Vote: Motion that AMENDMENT BE ADOPTED carried unanimously by voice vote. SEN. WANZENRIED voted aye by proxy.

02:15:11 Motion/Vote: SEN. MOSS moved that HB 514 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. WANZENRIED voted aye by proxy. SEN. MOSS will carry HB 514.

EXECUTIVE ACTION ON HB 452

02:15:41 Motion: SEN. O'NEIL moved that HB 452 BE CONCURRED IN.

Discussion:

02:16:37 Motion: SEN. MCGEE moved that AMENDMENT HB045201.AVL BE ADOPTED.

Discussion:

02:17:03 Sen. Shockley

02:17:06 Sen. McGee

02:17:09 Vote: Motion that AMENDMENT BE ADOPTED carried unanimously by voice vote. SEN. WANZENRIED voted aye by proxy.

02:17:46 **Motion:** SEN. MOSS moved that HB 452 BE CONCURRED IN AS AMENDED.

**Discussion:**

02:17:54 Sen. McGee

02:19:31 Sen. Laslovich

02:19:52 Sen. McGee

02:20:31 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE ADOPTED.

**Discussion:**

02:20:58 Sen. O'Neil

02:21:02 Sen. Shockley

02:21:14 Sen. Perry

02:22:36 **Substitute Motion:** SEN. PERRY made a substitute motion on CONCEPTUAL AMENDMENT.

**Discussion:**

02:23:44 Sen. McGee

02:24:24 Sen. Shockley

02:24:39 **Vote:** Substitute Motion that CONCEPTUAL AMENDMENT BE ADOPTED carried 11-1 by voice vote with SEN. LASLOVICH voting no. SEN. WANZENRIED voted aye by proxy.

02:25:01 **Motion:** SEN. MCGEE moved that HB 452 BE CONCURRED IN AS AMENDED.

**Discussion:**

02:25:10 Sen. Shockley

02:26:26 Sen. McGee

02:27:11 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE ADOPTED.

**Discussion:**

02:28:18 Sen. Laslovich

02:29:28 Sen. O'Neil

02:30:07 Sen. Jent

02:30:19 Sen. McGee

02:30:57 **Vote:** Motion that CONCEPTUAL AMENDMENT BE ADOPTED failed 6-6 by roll call vote with SEN. JUNEAU, SEN. LASLOVICH, SEN. MOSS, SEN. PEASE, SEN. WANZENRIED, and SEN. WILLIAMS voting aye.

02:33:40 **Motion:** SEN. PERRY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

**Discussion:**

02:34:28 Sen. Laslovich

02:34:31 Sen. McGee

02:34:37 SEN. PERRY withdrew his conceptual amendment.

02:34:44 **Motion/Vote:** SEN. SHOCKLEY CALLED THE QUESTION ON HB 452. Motion carried unanimously by voice vote. SEN. WANZENRIED and SEN. JENT voted aye by proxy. SEN. JUNEAU will carry HB 452.

**EXECUTIVE ACTION ON HB 695**

02:36:17 **Motion:** SEN. MOSS moved that HB 695 BE CONCURRED IN.

**Discussion:**

02:36:29 Sen. Shockley

02:37:31 Sen. Jent

02:39:47 **Motion:** SEN. O'NEIL moved that CONCEPTUAL AMENDMENT BE ADOPTED.

**Discussion:**

02:40:48 Sen. McGee



02:40:56 Valencia Lane, LSD

02:43:11 Sen. Shockley

02:44:28 Sen. Jent

02:47:24 Sen. McGee

02:47:32 Sen. Jent

02:50:48 Sen. Perry

02:55:17 Sen. Laslovich

03:00:53 Sen. Shockley

03:01:58 Valencia Lane

03:05:04 Sen. Jent

03:08:09 Sen. McGee

03:08:27 Sen. Jent

03:08:34 Sen. Perry

03:11:32 Sen. Laslovich

03:13:23 Sen. Williams

03:16:43 Sen. Juneau

03:20:58 Sen. Shockley

03:21:33 Sen. McGee

03:25:14 Sen. Curtiss

03:25:52 **Motion/Vote:** SEN. WILLIAMS CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried 9-3 by voice vote with SEN. JENT, SEN. PEASE, and SEN. WANZENRIED voting no. SEN. PERRY voted aye by proxy.

03:30:10 **Motion/Vote:** SEN. SHOCKLEY moved that HB 695 BE CONCURRED IN AS AMENDED. Motion failed 5-7 by roll call vote with SEN. CURTISS, SEN. MOSS, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

03:30:21 Motion: SEN. LASLOVICH moved that HB 695 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 35

03:31:45 Motion: SEN. WILLIAMS moved that HB 35 BE CONCURRED IN.

Discussion:

03:32:25 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON HB 35. Motion carried unanimously by voice vote. SEN. PERRY voted aye by proxy. SEN. JENT will carry HB 35.

EXECUTIVE ACTION ON HB 310

03:34:06 Motion: SEN. MOSS moved that HB 310 BE CONCURRED IN.

Discussion:

03:34:18 Valencia Lane, LSD

03:34:25 Sen. Moss

03:35:06 Sen. Shockley

03:35:33 SEN. MOSS withdrew her motion that HB 310 BE CONCURRED IN.

EXECUTIVE ACTION ON HB 467

03:36:06 Motion: SEN. MOSS moved that HB 467 BE CONCURRED IN.

Discussion:

03:36:26 Sen. Laslovich

[EXHIBIT\(jus65a10\)](#)

03:36:57 Motion: SEN. MOSS moved that HB046702.AVL BE ADOPTED.

Discussion:

03:37:52 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON HB046702.AVL. Motion carried unanimously by voice vote. SEN. JENT, SEN. PERRY, and SEN. SHOCKLEY voted aye by proxy.

03:38:26 Motion/Vote: SEN. MOSS moved that HB 467 BE CONCURRED IN AS AMENDED. Motion carried 11-1 by voice vote with SEN. JUNEAU voting no. SEN. PERRY, SEN. SHOCKLEY, and SEN. JENT voted aye by proxy. SEN. WANZENRIED will carry HB 467.

EXECUTIVE ACTION ON HB 617

03:39:40 Motion: SEN. MOSS moved that HB 617 BE CONCURRED IN.

Discussion:

03:40:02 Sen. Laslovich

03:40:04 Sen. McGee

03:40:06 Valencia Lane, LSD

03:40:10 Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON HB 617. Motion carried unanimously by voice vote. SEN. JENT and SEN. PERRY voted aye by proxy. SEN. JENT will carry HB 617.

EXECUTIVE ACTION ON HB 629

03:42:32 Motion: SEN. MOSS moved that HB 629 BE CONCURRED IN.

Discussion:

03:43:14 Sen. McGee

03:44:26 Sen. Laslovich

03:44:51 Valencia Lane, LSD

03:44:59 Sen. Shockley

03:45:19 Sen. McGee

03:45:52 Sen. Laslovich

03:46:38 **Vote:** Motion carried 10-2 by voice vote with  
SEN. SHOCKLEY and SEN. WANZENRIED voting no. SEN.  
PERRY voted aye by proxy.

**EXECUTIVE ACTION ON HB 742**

03:47:59 **Motion:** SEN. MOSS moved that HB 742 BE CONCURRED IN.

**Discussion:**

03:48:07 Sen. O'Neil

03:49:06 Sen. Shockley

03:50:20 Sen. McGee

03:52:18 Sen. Jent

03:56:17 **SEN. MOSS** withdrew her motion.

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus65aad.pdf](#))**